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Raids Were a Shambles , Nassau Complains to U.S.

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Scores of federal immigration agents from around the country, some wearing cowboy hats and brandishing shotguns and automatic weapons, endangered residents and local police officers last week as they raided homes in Nassau County in a poorly planned antigang operation, county officials charged yesterday.

Lawrence W. Mulvey, the Nassau County police commissioner, said that in two instances the immigration agents mistakenly drew their guns on Nassau County police detectives during operations that resulted in the arrests of 186 immigrants on Long Island.

Thomas R. Suozzi, the Nassau County executive, said yesterday that he was demanding an investigation into the agents' conduct by the Department of Homeland Security, which oversees Immigration and Customs Enforcement.

Mr. Mulvey said that many United States citizens and legal residents were roused from bed and were required to produce papers during an operation so ill-conceived that all but 6 out of 96 administrative warrants issued by the immigration enforcement agency in the search for gang members had wrong or outdated addresses.

In one case, agents were seeking a 28-year-old man with a photo taken when he was 7. Of more than 90 people arrested in Nassau County, most were illegal immigrant workers with no criminal record, Mr. Mulvey said, some with young children who were frightened by the immigration agents' "inappropriate" behavior. "There were clear dangers of friendly fire," he said of the operation, in which Nassau police provided standby support.

In a sharply worded letter to Michael Chertoff, the secretary of homeland security, Mr. Suozzi asked for an investigation into what he called "serious allegations of misconduct and malfeasance committed by Immigration and Customs Enforcement personnel in executing arrest warrants in various Nassau County communities on Sept. 24 and 26, 2007."

Peter J. Smith, the special agent in charge of the raids for the agency, denied the charges.

"All those allegations that he's making, they're without merit," he said. Only one of 180 special agents assigned to the operation from the agency's Office of Investigations was wearing a cowboy hat out of personal preference, he said. "We didn't have warrants," he added. "We don't need warrants to make the arrests. These are illegal immigrants."

But in fact, Mr. Smith said, one of the 186 arrested last week turned out to be a United States citizen. "I believe it was a woman in Westbury," he said. The woman,

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he said, was released after an hour or two either with taxi fare or a ride home. "That is not uncommon," he said of the citizen's mistaken arrest as a deportable immigrant.

He noted that the unit's 7,000 special agents have conducted similar operations around the country in recent years. "You're arresting individuals who are in association, they're in the area, they're in houses that are known for illegal aliens. Gang members were going to be there."

But Mr. Mulvey said that in most cases the federal agents did not seem to have good reason to believe gang members would be present. They repeatedly passed up the invitation to check a list of 96 deportable gang associates active in Nassau County against a local police database that is updated daily, he said. They also broke promises to share a list of targets, and failed to attend a preoperation briefing, he added.

"You have to have some reason to believe the target will be there when you enter a home," Mr. Mulvey, said. "When you have 96 warrants and you only find six of them, it's hard to make the argument that you had a good faith basis to enter those houses."

Mr. Mulvey said that his department had agreed to have uniformed officers present at the raids in case they resulted in local drug or weapons charges. They did not. He said he withdrew all support on Thursday, before a third night of raids, vowing not to join future operations. In contrast, Mr. Mulvey said, the department conducted a smooth and successful antigang operation with the Federal Bureau of Investigation in April. Nassau has the lowest crime rate in the nation for a county of its size, Mr. Mulvey said, in part because the police have good cooperation from the community. The conduct of the raids could undermine that relationship, he added.

"I was misled," Mr. Mulvey said. "In good conscience, I can't continue to cooperate unless these problems are ironed out." Among the problems, he wrote in a Sept. 27 letter to Joseph A. Palmese, resident agent in charge of the immigration agency's Office of Investigations in Bohemia, N.Y., was that the Nassau police could not even get a list of the 40 people arrested Monday night, leaving local officials unable to deal with a deluge of missing persons reports and inquiries from churches whose members had disappeared. Only three of the 40 were gang members, he said.

By then, he added, complaints were coming not only from immigrant advocates, but from his own officers who had seen what they said was the undisciplined conduct of the federal agents.

"These are my people that came to me," he said in an interview after the news conference held at the Nassau County Police Department in Mineola. "These are aggressive gang enforcement investigators. Day in, day out, they work the streets, arresting gang members, and it's unusual for them to come to me like that."

In Suffolk County, the police commissioner, Richard Dormer, expressed complete support for the operation.

"We will continue to support their efforts," he said in a written statement. "The gang members and violent felons have now been removed from the streets of Suffolk County, which will come as a great relief to the parents who tell us on a regular basis about their concerns that their own children will be lured into gang activity or targeted by gang members in their communities."

Just how many gang members and associates were taken into custody, and how they were categorized, remains uncertain.

Mr. Smith said that in Suffolk County, the raids resulted in the arrests of 15 identified as gang members, and 50 as "associates of gang members." Mr. Dormer provided different figures. He said 85 were arrested and 55 were gang members or associates. And while Mr. Smith said 59 out of 186 arrested in both counties had criminal records, Mr. Dormer said 61 of those arrested in Suffolk County alone had

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criminal records and 14 were violent felons.

Mr. Smith said the agency did not count up the number of homes that agents searched where they found neither gang members nor illegal immigrants, only citizens and legal residents.

"These people are very transient," he said of those being hunted. "They don't stay at that location. We keep going to these different places until we find them."

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